

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                          |   |                |
|--------------------------|---|----------------|
| UNITED STATES OF AMERICA | ) |                |
|                          | ) |                |
| v.                       | ) | No. 3:04-cr-84 |
|                          | ) |                |
| KEITHY UNDRA SMITH       | ) |                |

**MEMORANDUM AND ORDER**

This criminal case is before the court on the motion of defendant Keithy Undra Smith for a continuance [doc. 39]. Counsel for the defendant says that additional time is needed to obtain information necessary to determine if the case can be resolved by agreement and a guilty plea. The government has no objection to the defendant's motion.

The court finds the defendant's motion well-taken, and it will be granted. The court finds that the ends of justice served by granting the defendant's motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The court finds that the failure to grant the defendant's motion would deny him the opportunity to obtain the necessary information before entering into a plea agreement with the government, or to prepare for trial in the event that an agreement cannot be reached. 18 U.S.C. § 3161(h)(8)(B)(iv).

Therefore, all the time from the defendant's motion for a continuance to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A).

It is hereby **ORDERED** that the defendant's motion for a continuance is **GRANTED**, and the trial in this criminal case is **CONTINUED** to August 10, 2005, at 9:00 a.m.

ENTER:

s/ Leon Jordan  
United States District Judge